

Conference agreement

The bill would implement a policy that eliminates the requirement of a separate appointment to the Chief Judge position. Instead, the Chief Judge would be the most senior judge in regular active service on the Court. In the event that two eligible judges had the same seniority in commission, the judge senior in age would be selected.

This person would serve as Chief Judge for five years and then the next most senior judge would rotate into the position. This provision is modeled on the provision for the Chief Judge for the United States Court of Appeals for the Armed Forces. The conference agreement also eliminates the salary distinction between the Chief Judge and the other judges.

LEGISLATIVE PROVISIONS NOT ADOPTED
AUTHORITY TO PRESCRIBE RULES AND
REGULATIONS

Current law

There is no general authority for the Court to prescribe rules and regulations to carry out the provisions of chapter 72 of title 38, United States Code. The Court has specific authority to promulgate rules concerning the filing of complaints with respect to judicial conduct and rules of practice and procedures governing proceedings before the Court.

House bill

The House bill (H.R. 2280, section 401) would provide for the Court to promulgate rules and regulations to carry out chapter 72 of title 38, United States Code.

Senate bill

The Senate bill contained no provision.
CALCULATION OF YEARS OF SERVICE

Current law

Title 38, United States Code, is silent as to the calculation of years of service for purposes of retirement.

House bill

The House bill (H.R. 2280, section 403) would treat 183 days or more of service on the Court as a full year for purposes of retirement.

Senate bill

The Senate bill contained no similar provision.

TITLE XI—VOLUNTARY SEPARATION
INCENTIVE PROGRAMS

Current law

VA does not currently have the authority to offer voluntary separation incentives.

House bill

The House bill contained no provision.

Senate bill

The Senate bill contained no provision.

Conference agreement

The conference agreement provides authority to VA for one year to offer voluntary separation incentives to a limited number of FTEE.

BOB STUMP,
CHRIS SMITH,
JACK QUINN,
CLIFF STEARNS,
LANE EVANS,
CORRINE BROWN,
MIKE DOYLE,

Managers on the Part of the House.

ARLEN SPECTER,
STROM THURMOND,
JAY ROCKEFELLER,

Managers on the Part of the Senate.

NO INTERNET TAXATION

(Mr. PITTS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, our country and even our world economy have experienced unprecedented growth thanks to a new frontier we know as the Internet. It has been a tremendous success.

The moratorium that we have established has allowed e-commerce to flourish and grow at tremendous rates. Yet we are already hearing rumblings of a new user fee regime of taxation on electronic commerce that could have serious repercussions for this booming segment of our economy.

Mr. Speaker, we have seen, without Internet taxes, State and local governments are collecting record tax revenues, growing at almost twice the rate of inflation. In fact, the rise of untaxed electronic commerce is helping to generate additional tax revenue for every level of government because the Internet has helped create new businesses and new high-paying jobs. By extending the moratorium established under the Internet Tax Freedom Act of 1998, we can keep the Internet free of discriminatory taxes.

Let us not ruin a good thing. Let us make the moratorium permanent and see this unprecedented growth continue.

FOREIGN POLICY DEFICIENCIES

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, let me make sure I understand this. While he was in Istanbul yesterday, President Clinton called on Turkey to correct its human rights abuses so it could be admitted into the European Union. Yet at the same time that our President was admonishing Turkey, our U.S. Trade Representative was in Beijing signing a trade deal that could one day give the People's Republic of China membership in the World Trade Organization.

Are we to infer that the Kurds in Turkey count for more than Tibetans in China or that Greek Cypriots count for more than Chinese Christians or that the European Union is a more exclusive and principled organization than the World Trade Organization?

Or, this could not be it, could it? Are American corporations more involved with bigger investments and have more at stake in China than they are in Turkey? Does that explain why Time Warner's CEO recently gave Chinese President Jiang Zemin a bust of Abraham Lincoln?

Earlier this year we fought a war for human rights in Kosovo. Today we will not raise a tariff for human rights in China.

NO TAXES ON MINING INDUSTRY

(Mr. Gibbons asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, recently Vice President AL GORE announced a scheme to impose a new \$2 billion tax on the mining industry. At a time when America's mining industry has been crippled and forced to lay off thousands of employees, the Vice President now wants to impose a new \$2 billion tax that will only serve as a death knell for this industry.

It appears that Mr. GORE's motto is that when the good guy is down, let us pick his pocket. There is always a dollar or two left somewhere.

Mr. Speaker, the U.S. mining industry provides America with the resources that allow us to enjoy the standard and quality of life we need and respect today. Now the Vice President wants to jeopardize the future of America, our economy, and this vital industry by oppressing it with a \$2 billion tax in order to fund his political agenda.

Mr. Speaker, this is the true mentality of the Vice President, to tax an industry until it is destroyed just so he can use the revenue for his own political gain. Mr. Speaker, let us put personal agendas aside. America needs the mining industry, but it does not need a \$2 billion tax.

RESPONSIBLE GUN SAFETY LAWS
CRITICAL FOR OUR COUNTRY

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I rise this morning to pay special tribute to a school in my district that has taken the initiative to speak out on an issue that is of the utmost importance to all Americans, and that is school violence.

Last week the Irondequoit High School in Rochester, New York, presented me with a petition signed by 468 members of the student body asking Congress to resist the temptation of influential lobbyists and, in turn, pass legislation that ensures the peace and tranquility for our Nation's next generation of students.

I am sure I do not need to remind my colleagues that the House is currently poised and ready to adjourn for the year without any possibility of passing responsible gun safety measures that will help curb this epidemic of violence that is permeating our schools.

When we return to the session next year, I urge the majority of this body to display the same courage and common sense that was demonstrated by the 468 constituents in my district. For the sake of our Nation's students, I implore the leadership to remove the legislative roadblocks that it has placed in the way and allow for a vote on responsible gun safety once and for all.

AMERICAN TAXES SUPPORTING
CHINESE DICTATORSHIP

(Mr. TRAFICANT asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the trade representative is all excited about her new deal with China. I must ask my colleagues, is she a masochist, or what?

Check this out. American cars will have a 25 percent tariff and all American goods will average a 17 percent tariff. Meanwhile, Chinese cars and all of their other products will average a 2 percent tariff. Unbelievable. Monty Hall could have made a better deal for us.

There must be one explanation only, Mr. Speaker. This administration must be in bed with the Chinese, because right now, our tax money is propping up a Communist dictatorship that has missiles pointed at us as I speak.

Beam me up here. I yield back the danger and stupidity of this most recent sweetheart deal for China.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

RECORD votes on postponed questions may be taken in two groups, the first occurring before debate has concluded on all motions to suspend the rules and the second after debate has concluded on remaining motions.

STATE FLEXIBILITY CLARIFICATION ACT

Mr. REYNOLDS. Mr. Speaker, I move to suspend the rules and pass the bill H.R. (3257) to amend the Congressional Budget Act of 1974 to assist the Congressional Budget Office with the scoring of State and local mandates, as amended.

The Clerk read as follows:

H.R. 3257

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Flexibility Clarification Act".

SEC. 2. FLEXIBILITY AND FEDERAL INTERGOVERNMENTAL MANDATES.

(a) COMMITTEE REPORTS.—Section 423(d) of the Congressional Budget Act of 1974 (2 U.S.C. 658b(d)) is amended—

(1) in paragraph (1)(C) by striking "and" after the semicolon;

(2) in paragraph (2) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(3) if the bill or joint resolution would make the reduction specified in section 421(5)(B)(i)(II), a statement of how the committee specifically intends the States to implement the reduction and to what extent the legislation provides additional flexibility, if any, to offset the reduction.".

(b) CONGRESSIONAL BUDGET OFFICE ESTIMATES.—Section 424(a) of the Congressional

Budget Act of 1974 (2 U.S.C. 658c(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) ADDITIONAL FLEXIBILITY INFORMATION.—The Director shall include in the statement submitted under this subsection, in the case of legislation that makes changes as described in section 421(5)(B)(i)(II)—

"(A) if no additional flexibility is provided in the legislation, a description of whether and how the States can offset the reduction under existing law; or

"(B) if additional flexibility is provided in the legislation, whether the resulting savings would offset the reductions in that program assuming the States fully implement that additional flexibility.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. REYNOLDS) and the gentleman from Massachusetts (Mr. MOAKLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. REYNOLDS).

GENERAL LEAVE

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our State and local governments were historically burdened by unfunded Federal mandates that more often than not forced these governments to spend money they did not have on things they did not need nor could not use. That is why in 1995 Congress passed sweeping reforms with the Unfunded Mandates Reform Act which attempted to restrict the Federal Government from opposing burdensome, unnecessary, and unfunded mandates.

Unfortunately, the Congressional Budget Office had a different perspective on Federal mandates than what Congress clearly intended. CBO exempted more than two-third of the mandatory programs from coverage under the Unfunded Mandates Reform Act.

During remarks at a White House conference on small business, President Ronald Reagan noted that the Federal Government's view of the economy could be summed up in a few short phrases: "If it moves, tax it. If it keeps moving, regulate it, and if it stops moving, subsidize it."

Coming up through the ranks as a town councilman and a county legislator and State assemblyman of New York, I would make one addition to President Reagan's observations. If the Federal Government has an expensive and often unnecessary program, let somebody else pay for it.

As a local and State official, I have seen firsthand how unfunded mandates have busted local budgets. As a Member of Congress, we have had the oppor-

tunity and a responsibility to stop placing this burden on the backs of State and local governments.

Mr. Speaker, this bipartisan bill is a simple, technical clarification of Congress's intent under the Unfunded Mandates Reform Act of 1995.

Mr. Speaker, the State Flexibility Clarification Act corrects the CBO interpretation in three ways. First, it clarifies the goal of UMRA, which is that any cut or cap or safety net programs constitutes an intergovernmental mandate, unless State and local governments are given new or additional flexibility to implement the restriction or funding reduction.

□ 1215

Second, the bill requires committees to include in their reports an explanation of how the committee intends the States to implement the reduction in funding and what flexibility, if any, is provided in the legislation.

Third, the bill requires CBO to prepare in its mandates statement how the States could implement the reductions under existing law. If such legislation does not provide additional flexibility, then CBO must include in its report an estimate of whether the savings from an additional flexibility would offset the reduction in Federal spending.

Mr. Speaker, this Congress responded to our States and localities when they requested needed relief from unfunded mandates. This clarification will ensure that they get it.

Mr. Speaker, I would like to thank the gentleman from Massachusetts (Mr. MOAKLEY) for all of his efforts on this measure. I urge my colleagues to restore fairness to the Federal budget and pass H.R. 3257.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today's suspension deals with the confusing issue of unfunded mandates, which have become a very bad word here in the halls of Congress. Mr. Speaker, contrary to popular belief, unfunded mandates are not always bad. Unfunded mandates keep our food safe, keep our air clean, keep our civil rights strong. But they can also impose enormous costs. I believe that the Members should know these costs before they are asked to vote on any bill.

Today we are considering under suspension of House rules a clarification to the unfunded mandates point of order. The substance of this bill, Mr. Speaker, is relatively noncontroversial. Today's bill clarifies the definition of a Federal mandate. It says,

A bill must be scored by the Congressional Budget Office if it increases costs for State or local governments by expanding an existing program, but fails either to pay for the increased costs or to provide for the flexibility to absorb those costs.

This bill will expand the Congressional Budget Office requirements as Congress had originally intended.